

REMARKS

In view of the fact that allowable subject matter has been indicated to be present in the case, an earnest effort has been made to bring the application to issue without delay.

1. The priority claim acknowledgment in paragraph 12 of PTOL 326 and the acceptance of the drawing in paragraph 10 thereof are appreciated.

2. A Substitute Specification is supplied together with a marked-up version showing the changes made. The Substitute Specification contains section headings and the cross reference required by Rule 78.

The Substitute Specification does not contain any new matter.

3. The title has been changed as suggested by the Examiner.

4. Claims 3 and 15 have been indicated to contain allowable subject matter. Accordingly these claims have been rewritten as new claims 18 and 19 to include the subject matter of the parent claim where appropriate and revised as to form to eliminate any ground of rejection under 35 USC 112. Claims 18 and 19 are thus allowable outright.

5. Claims 1, 4-14 and 16 and 17 have been amended to eliminate the informalities noted by the Examiner and are believed to be allowable.

6. The original claims in this case were rejected under 35 USC 102(b) as allegedly anticipated by GB 1 147 266, namely the BEHR reference made of record by applicant. That reference discloses an apparatus with directable blades of a type discussed in the background of the present application and, however, one in which the orientation of the blades is controlled only by the pushing action of the air. When the fan operates at low speed the pitch angle is small and little energy is used to start the fan. The reference does not teach or suggest an actuator (41, 42, 43) acting upon the coupling device to pivot the fan.

Applicant has also pointed out that the blades appear to be always rotating and there is no provision to stop rotation of the fan. The applicant has noted that the bearings 3 are directly assembled on the shaft. Thus the reference does not have the electromagnetic clutch recited in claim 1 or engaging and disengaging transmission of the rotational movement as required by amended claim 1.

There is no anticipation of claim 1 by BEHR and thus of any claims dependent on claim 1.

The patent 3,924,585 to WOODS which has been combined with BEHR in an obviousness rejection discloses a fan whose blades, contrary to what the Examiner appears to have suggested, are not directable.

However there is no basis for modifying a reference without directable blades unless it is of course of applicant's own teachings here, especially since, even if the modification could be made, the result would not be the claimed system with its actuator. The actuator of course allows programming the adjustment of the pitch angle and that is not possible where the primary reference only teaches a change in the pitch angle based on rotary speed and cannot stop the fan in the sense of the invention.

Claims 1, 4-14, 16 and 17 are thus allowable together with claims 18 and 19 and an early Notice to that effect is earnestly solicited.

7. A petition for a two-month extension of the term is enclosed together with a charge form for the extension fee.

Respectfully submitted,
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Enclosures: Substitute Specification
Marked-up copy of original Spec.
Petition for two month extension
PTO 2038